IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 18397 of 1994

Between:

Shekkari Pandaiah Goud, S/o. Bheemaiah Goud.
Village Urkonda, Midijil,
Kalwakurthy, Mahaboobnagar.

..... PETITIONER

AND

1 The State of A.P., Rep. Secretary.
Panchayat Raj, Dept., Secretariat,
Hyderabad.
2 The Secretary. Education Dept.,
Secretariat, Hyderabad.
3 Zilla Praja Parishad, Rep. Special Officer.
4 The District Development Officer, Mahaboobnagar.
5 The District Collector, Mahaboobnagar,

(WP dismissed as against R5 for default vide

court order dt.14-12-1999)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction one in the nature of writ of Mandamus declaring G.O.Ms.No.221 Education Dept., dated 16/07/1994 as unconstitution and illegal and further direct the respondents to appoint the petitioner herein as teachers before any appointments are made as Teachers in the existing vacancies in A.P.State Controlled bodies based on their earlier eligibility as per G.O.Ms.No.716 Panchayat Raj (Samithi) Dept., dated 13/11/1981 after declaring Article 323, A.Clause 2(d) of

the Constitution and Sec. 28 of A.P. Admn., Tribunal Act, 1985 as unconstitutional for violating the basics structure of the Constitution.

Counsel for the Petitioner: MR.A.VENUGOPAL RAO

Counsel for the Respondent : GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT

The Court made the following :

O R D E R :-

It is represented by the learned counsel for the petitioner as well as the learned Government Pleader for Panchayat Raj that this Writ Petition is not maintainable, in view of the Judgment of the Supreme Court in ***L.CHANDRAKUMAR Vs. UNION OF INDIA*** and the remedy of the petitioner is to approach the Andhra Pradesh Administrative Tribunal.

In the circumstances, this Writ Petition is dismissed, giving liberty to the petitioner to approach the Andhra Pradesh Administrative Tribunal and seek redress of his grievance, if the petitioner is so advised and so chooses. No costs.

_____

09-07-2004

prv

To

1 The Secretary, State of A.P.,
Panchayat Raj Department, Secretariat,
Hyderabad.
2 The Secretary, Education Deptartment,
Secretariat, Hyderabad.
3 The Special Officer, Zilla Praja Parishad.
4 The District Development Officer, Mahaboobnagar.
5 The District Collector, Mahaboobnagar,

6 2 CCs to G.P. for Panchayat Raj and Rural Development.

7 2 CD copies